b. BAPCO Business Rules

181. As part of their processing of an AT&T order, the BellSouth systems automatically send a directory listing order (extracted from the service order) to the systems of BellSouth's affiliate, BAPCO. If the directory listing order clears BAPCO's systems, a directory listing for that customer will be made in the BellSouth directory.

182. The business rules for BAPCO's systems, however, are not entirely consistent with those of BellSouth's own systems. Even if an order flows through the BellSouth legacy systems, it may nonetheless be rejected by the BAPCO systems for failure to meet a particular BAPCO business rule. For example, although BellSouth's systems allow a customer's street name to be listed on an order in either upper case or lower case, BAPCO's systems do not allow capitalization. If a CLEC sends an order with the street name capitalized, the customer will receive the service that it ordered, but it may not be listed in the BellSouth directory.

183. For these reasons, knowledge of the BAPCO business rules is important to the success of a CLEC. Customers expect their local exchange service to include the listing of their name, address, and telephone number in the directory. If a customer is not listed in the BellSouth directory because the service order failed to comply with a BAPCO rule, the result will be customer dissatisfaction -- which almost certainly will be directed at the CLEC.

184. It was to avoid these problems that AT&T requested BellSouth to provide the BAPCO business rules, particularly since AT&T is not always notified when BAPCO's systems reject an order. To date, however, BellSouth has failed to provide the rules. As a result,

AT&T has no assurance that its customers will receive a directory listing even if its orders clear the BellSouth legacy systems.[109]

c. Errors and Inconsistencies in BellSouth's Existing Business Rules

185. Through its experience in submitting orders to BellSouth, AT&T has discovered that a number of the business rules that BellSouth has provided to AT&T are erroneous, inconsistent, or both. These deficiencies have caused rejections and delays of AT&T orders, and corresponding customer dissatisfaction.

186. The mere provision of business rules by a BOC to a CLEC is inadequate, unless the BOC has first verified their accuracy. Should the rules prove to be incorrect, orders submitted in accordance with the rules will be rejected. Consequently, incorrect business rules are tantamount to no rules at all.

187. The BellSouth Local Exchange Ordering Guide ("LEO Guide"), which sets forth business rules governing the fields in an EDI service order, includes a number of business rules that are in error or are internally inconsistent. These errors are significant to AT&T because AT&T has constructed its interfaces based on those rules. Reliance on these rules has caused rejection of orders, with effects detrimental to AT&T's competitive position.

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[109] Recent correspondence between AT&T and BellSouth regarding AT&T's request for the business rules for ordering directory listings is attached hereto as Attachment 46. As the correspondence demonstrates, BellSouth has declined to provide all of such rules until at least November 28, 1997. Even if supplied, these rules are not all of the business rules that AT&T will need for the EDI Issue 7 interface scheduled for implementation in March 1998.

188. For example, the July 1997 version of the LEO Guide states that for Georgia, the USOCs "NOB" and "NOBPC" are valid USOCs for the ordering of Caller ID Blocking service for residential customers.[110] The BellSouth Georgia tariff similarly indicates that either USOC can be used to order Caller ID Blocking. AT&T designed its data mapping for its interfaces to reflect that rule. However, when AT&T submitted orders for Caller ID Blocking using "NOB" as the USOC for that feature, BellSouth rejected the orders, stating that this is not a valid USOC. After being advised of this problem by AT&T, BellSouth admitted that the LEO Guide is incorrect -- and that BellSouth representatives were not experiencing the same errors when they were submitting orders for this service. As an interim measure, BellSouth agreed to accept orders with the "NOB" USOC and to process previous such orders that had been canceled. However, BellSouth has made no commitment as to whether, or when, it will correct the LEO Guide.[111]

189. Similarly, both the LEO Guide and BellSouth's Products/Services Inventory Management System ("P/SIMS") erroneously stated that Caller ID Deluxe could be ordered using "NXM" as the USOC feature code. When AT&T placed orders using this USOC, they were

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[110] The LEO Guide's ordering requirements and business rules are applicable to all of the states in the BellSouth region. Thus, any problems in the LEO Guide will be applicable to Louisiana even if the errors were discovered in providing service to a customer in one of the other states.

[111] Moreover, although BellSouth stated that it would no longer reject orders with the "NOB" USOC beginning September 29, 1997, AT&T continued to receive rejection notices for such orders until early October.

rejected. BellSouth has now acknowledged its error and has promised to correct the LEO Guide.

190. The LEO Guide has also been inconsistent with respect to the ordering of Custom Ring, which enables customers who desire more than one number to have distinct rings for each number. Although the April 1997 edition of the LEO Guide indicated that Custom Ring can be ordered for a customer only if it is available through the local central office, the July 1997 edition stated that the feature is available through all central offices. The difference was obviously significant from a competitive standpoint; CLECs will lose the confidence of customers who desire this feature if they represent that the feature is available, only to find out later that the feature cannot be ordered for that particular switch. Because of this inconsistency, AT&T was required to request BellSouth to clarify whether the July 1997 LEO Guide constituted a change in policy with respect to Custom Ring, or is simply inconsistent with the April 1997 LEO Guide.[112] Only in mid-September did BellSouth finally revise the LEO Guide to clarify the matter.

191. Because of the inaccuracies that it has found in the LEO Guide, AT&T has requested BellSouth to review the entire Guide for errors and discrepancies, and to make such corrections as are necessary. BellSouth has not yet indicated whether it will do so.

d. Absence of Business Rules That Clearly Address Particular Situations

192. For a number of transactions, BellSouth has failed to establish rules that are

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[112] See letter from Beverly Simmons (AT&T) to Margaret Garvin (BellSouth), dated September 24, 1997 (Attachment 35 hereto).

necessary for CLECs to order and provide service to their customers. Partial migrations are but one example.

193. BellSouth has failed to develop clear business rules governing orders for partial migrations -- that is, situations where a customer with multiple lines transfers some of its business to AT&T, but retains BellSouth as its local exchange carrier for the remaining lines. In previous negotiations with AT&T, BellSouth had agreed that the CLEC could simply submit a service order for the portion of the customer's business that was migrating to the CLEC; BellSouth would then issue a BellSouth service order to establish a separate account for the portion of the customer's business that remained with BellSouth. This practice prevented service interruption.

194. Recently, however, BellSouth appears to have changed its policy. BellSouth now requires that in the case of partial migrations, the CLEC must describe in detail on the service order the disposition of the customer's remaining service, even if this service is not given to the CLEC but belongs to another local service provider. If the CLEC fails to do so, the BellSouth LCSC will determine the arrangements for the remaining service by contacting the CLEC (if the CLEC is the authorized agent for the customer) or the customer itself.

195. This "change of policy" not only converts the ordering processing from an automated to a manual one, but requires CLECs to furnish information that may be impossible to provide. Because a CLEC is required to specify the disposition of the remaining lines in the remarks portion of the service order, the order will fall out for manual processing by BellSouth,

whose automated systems do not read such remarks. More importantly, the CLEC is being required to ascertain the customer's wishes concerning the disposition of the customer's lines that the customer does not wish the CLEC to serve -- a task that not only is unreasonable, but may also be difficult (since it requires a CLEC to take on a larger role than the customer wishes). AT&T is still in discussions with BellSouth on this issue, and must currently handle partial migrations on a case-by-case basis.

2. BellSouth Has Failed To Provide Adequate Training To CLECs In the Implementation and Use of Its Systems.

196. It is essential that the incumbent LEC provide adequate training to personnel of the CLECs, particularly where the interfaces provided by the ILEC are proprietary to that ILEC and not based on industry standards. The provision of specifications and procedures to the CLEC, although essential to operational readiness, are not a substitute for proper training. Without proper training on the operation and use of the interfaces, CLEC personnel are likely to make errors -- or not be able to operate the interfaces at all.

197. BellSouth, however, has not provided sufficient training to the CLECs. Although Mr. Stacy contends that BellSouth has provided such training, the limited training sessions and user guides that he cites are no substitute for the weeks of training that BellSouth gives to its own customer service representatives in using its OSS for its retail operations. Stacy OSS Aff., ¶¶ 136-141, 143.

198. BellSouth's LENS training is a case in point. Comprehensive training in

LENS is essential for a CLEC, both because it is the only interface that BellSouth offers for pre-ordering and because it is proprietary to BellSouth. Yet, despite repeated requests by AT&T for LENS training, BellSouth did not provide any comprehensive training until June 17, 1997. This date was, of course, after the date on which BellSouth had been required to implement LENS under the orders of the Georgia PSC.

199. The May 13, 1997 "training" described by Mr. Stacy (Stacy OSS Aff., ¶ 137) was simply a one-hour, 45-minute demonstration that provided CLECs with only a cursory familiarization with LENS. Questions that were outside the scope of BellSouth's "script" for the session were discouraged.

200. The LENS training that BellSouth did provide on June 17, 1997, was limited to a single day. Much of the "training" was little more than an expanded demonstration of the LENS interface by BellSouth representatives. The sessions provided little information. Representatives of CLECs who attended were encouraged by BellSouth representatives to use a "suggested" list of special training telephone numbers and addresses. However, when CLEC representatives used other numbers and addresses obtained from telephone directories in the training room, they experienced numerous problems with LENS. The BellSouth trainers were unable to explain the error messages or procedures to be used whenever the CLEC representatives requested information outside the scripted training.[113]

[113] By the time of the next AT&T LENS training session, all telephone directories had been removed from the training room -- making it virtually impossible for the trainees to deviate from

201. Moreover, as originally proposed by BellSouth, the LENS training sessions were to be limited to a maximum of 15 persons, with each CLEC allowed to send a maximum of three representatives. Although AT&T was ultimately allowed to send eight representatives to two training sessions, even that amount is plainly insufficient for large CLECs, such as AT&T, that expect to use dozens or even hundreds of customer service representatives in their operations. Although AT&T requested BellSouth to provide on-site training in LENS, BellSouth has not done so.

202. Mr. Stacy seeks to justify the restricted nature of the LENS training by pointing out that CLECs are provided with a LENS User Guide during the training session. Id., ¶ 138. Mr. Stacy however, misses the point. Unlike EDI, which gives a CLEC the option of developing its own systems on its side of the EDI interface, LENS is proprietary to BellSouth. Only comprehensive training by BellSouth, where CLECs can work with the LENS system, can provide that information. Without that training, LENS cannot be said to be operationally ready.[114]

203. In addition, although the LENS Users Guide is somewhat helpful, it does

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the scripted training.

[114] Mr. Stacy's criticism of CLECs for failing to adjust their systems and train their own personnel in response to changes in BellSouth's systems is baseless. See Stacy OSS Aff., ¶ 144. Any CLEC realizes that when BellSouth updates its interfaces, the CLEC will need to update its own systems and train its own personnel to the extent possible. Such updating and training, however, are possible only if BellSouth provides the information necessary to perform them -- and BellSouth has not done so. Furthermore, in the case of proprietary interfaces such as LENS, even written information may be an insufficient substitute for training.

not provide all of the information that a customer service representative needs to use LENS. One of the shortcomings of the LENS Users Guide is that BellSouth does not provide timely updates to the Guide to reflect the changes that it is constantly making. For example, between the June 17, 1997 issue and the October 6, 1997 issue of the Guide, BellSouth modified or added a number of capabilities, including suspend orders, restore orders, directory, directory white pages orders, directory yellow pages orders, and changes in requirements for the identification of primary interexchange carrier selection on switch as is and switch as specified orders. Procedures for these and other changes were not provided to LENS users through any other medium.

III. THE INTERFACES THAT BELLSOUTH PURPORTS TO OFFER WITH RESPECT TO UNEs ARE NEITHER NONDISCRIMINATORY NOR OPERATIONALLY READY.

204. BellSouth admits that it has not developed, and has no present intent to develop, the OSS access needed to allow CLECs to order combinations of network elements. For this reason alone, BellSouth fails to satisfy its obligation of providing notification access to its OSS.

205. As to individual UNEs, BellSouth also fails to provide parity of access, with its development of interfaces to support UNEs lagging even further behind its development of interfaces supporting resale.[115] While BellSouth claims that, on October 6, 1997, it began offering

[115] This fact is evidenced by the BellSouth witnesses' comparatively short discussion of the availability of interfaces for UNEs, as opposed to the interfaces for resale services. See, e.g., Stacy OSS Aff., ¶¶ 58-59; Ameritech Michigan Order, ¶ 215 (stating that the Commission was "troubled" by Ameritech's emphasis on providing information and support for OSS functions that

electronic ordering of a few UNEs, it still has not provided CLECs with the necessary ordering specifications, fails to provide the same functionality that as BellSouth obtains for itself, has not performed sufficient testing, and has not developed sufficient standards for measuring the performance of particular OSS functions.

A. BellSouth Has Failed To Provide the Interfaces, Specifications and Business Rules Necessary For Ordering Combinations of UNEs.

206. As BellSouth candidly admits, it has not developed electronic interfaces that would enable CLECs to order the combinations of UNEs that are essential to local market entry, or provided CLECs with the specifications or business rules necessary to order such combinations.[116] See Stacy OSS Aff., ¶ 59. In fact, Mr. Stacy states that BellSouth has no intention of doing so. Id. Even in Kentucky, where the state Public Service Commission requires BellSouth to provide such combinations, BellSouth requires orders for combinations to be placed by facsimile.[117]

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support resale, as compared to that offered for the use of UNEs).

[116] AT&T's repeated, and unsuccessful, efforts to obtain the specifications necessary for the electronic ordering of UNE combinations are described in Attachment 37 hereto.

[117] See letter from Jill Williamson (AT&T) to Jo Sundeman (BellSouth), dated September 16, 1997 (Attachment 38 hereto). Indeed, BellSouth has not provided the business rules necessary to place UNE platform orders manually. For example, having been denied any capacity to send UNE platform orders via EDI, AT&T recently submitted for manual processing 12 UNE platform orders for test participants in Florida. When one of the orders was returned by BellSouth for clarification, AT&T Local Services Program Manager Jill Williamson called BellSouth and was informed that under a new BellSouth document detailing acceptable activity types, BellSouth will no longer accept either a "W" (swap-as-is) or an "A" (add/new) on combination loop/port orders.

207. Thus, as a result of BellSouth's intransigence, interfaces for the ordering and use of UNE combinations have not been constructed or tested, and obviously are not operationally ready. Mr. Stacy's assertion that "BellSouth will make available separate UNEs which the CLECs can then combine themselves with a collocation arrangement" (Stacy OSS Aff., ¶ 59), does not address the critical issue of OSS access to order UNEs, regardless of who combines them. BellSouth has not even provided AT&T with the information necessary for ordering the individual UNES that AT&T wishes to combine on its own, either in oral conversations or in writing. As a result, AT&T has no means of ordering UNE combinations, whether existing combinations or combinations that AT&T desires to achieve.[118]

B. BellSouth's Electronic Interfaces For Individual UNEs Do Not Offer Parity of Access.

208. Although Mr. Stacy contends that BellSouth offers purchasers of individual UNEs a variety of nondiscriminatory interfaces to perform the pre-ordering, ordering,

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AT&T had never previously received this document or any other notice that BellSouth had changed its ordering process for loop/port orders. Such unilateral and unannounced changes in business rules frustrate AT&T's efforts to BellSouth's obtain even the most crude access to OSS for ordering UNE combinations.

[118] I understand that the U.S. Court of Appeals for the Eighth Circuit has ruled that BOCs are not required to combine UNEs for CLECs, or even to provide already-combined UNEs in their current combined form. However, I also understand that these rulings are being appealed by AT&T and other parties. Regardless of the outcome of the appeals, the Eighth Circuit's rulings do not alter the fact that UNE combinations are an essential component of successful market entry -- and that BellSouth has not shown that it can provide UNEs in a way that will enable CLECs to combine network elements.

provisioning, maintenance and repair, and billing functions, such is not the case -- either under the SGAT or under the Interconnection Agreement.[119] Each of these interfaces is discriminatory in numerous ways.

1. Ordering and Provisioning

209. As recently as late September, BellSouth openly conceded that its systems were not able to process UNE orders without "some manual intervention." See Stacy S.C. OSS Aff., ¶ 59.[120] UNE orders "fell out" of the system at the BellSouth Local Carrier Service Center ("LCSC"), where BellSouth representatives then analyzed the orders and manually re-typed them into their systems, thereby delaying the provision of service and increasing the risk of error. Now, however, Mr. Stacy asserts that "BellSouth's electronic interfaces are currently equipped to accept orders for the most common types of UNEs and to flow orders for several types of UNEs through the ordering systems without human intervention." Stacy OSS Aff., ¶ 59. He also states that

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[119] BellSouth offers at least three interfaces that allegedly support both resale and UNEs: LENS, Electronic Data Interchange ("EDI"), and the T1M1 Electronic Bonding Interface ("T1M1 EBI"). See Stacy OSS Aff., ¶¶ 6, 58, 82. In Part II, I discussed the deficiencies in these interfaces that are common to UNEs and resale. In this part, I will attempt to confine my discussion to the additional deficiencies of these interfaces in the context of UNEs.

[120] See also testimony of William Stacy in Docket No. 97-101-C, transcript of July 8, 1997, proceedings, pp. 38-39 ("the unbundled network element, similar to some of our other complex services, is a service that BellSouth does not provision entirely without human intervention yet"). Similarly, BellSouth acknowledged in September 1997 in the Florida Section 271 proceeding that all of the orders that it has received for unbundled loops "required manual processing." BellSouth's Responses to AT&T's Second Set of Interrogatories in Docket No. 960786-TL (Fla. PSC), Response to Item No. 36 (Attachment 26 hereto).

mechanized service order generation for "the main UNEs (2-wire analog loop, port, INP, loop+INP) has been available since October 6, 1997." Stacy OSS Aff., ¶ 67.

210. Mr. Stacy's claim that BellSouth has now implemented electronic ordering of some individual UNEs falls far short of meeting BellSouth's obligation to provide non-discriminatory access to UNEs. As an initial matter, it is entirely unclear what electronic ordering capabilities BellSouth claims to have implemented for UNEs. The only facts provided by Mr. Stacy are that "mechanized order generation . . . has been available since October 6, 1997" for four UNEs (2-wire analog loop, port, INP, loop and INP), but he does not indicate, for example, whether full electronic flow-through is available for these UNEs. Although Mr. Stacy says elsewhere that BellSouth's electronic interfaces can "accept" orders for the "most common types of UNEs" and can "flow" orders for "several types of UNEs" (Stacy OSS Aff., ¶ 59), he never identifies the UNEs to which he refers, nor does he say whether the UNEs for which mechanized orders can be accepted also can be mechanically flowed.[121]

211. These uncertainties regarding BellSouth's electronic interfaces for UNEs

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[121] Although BellSouth's stand-alone, personal computer-based "PC EDI" interface has the capability of placing orders for some UNEs, AT&T's understanding has been that the orders "fall out," and are manually processed and re-typed by a BellSouth representative, once they enter BellSouth's systems. Stacy OSS Aff., ¶¶ 53-54 (distinguishing between "PC EDI" software package supplied by third-party vendor and "mainframe" EDI interface with presentation system developed by CLEC). Indeed, notwithstanding Mr. Stacy's broad assertion that the EDI interface supports ordering of loops, ports, and interim number portability, BellSouth admitted in its own October 20, 1997 report to the Department of Justice that only certain limited types of these items can be ordered via EDI, and many other types cannot. Id., Exhs. WNS-30 & WNS-52, pp. 49-52.

cannot be clarified by CLECs. As Mr. Stacy acknowledges, BellSouth has received no UNE orders via the EDI interface.[122] Stacy OSS Aff., ¶ 67. At the most, therefore, BellSouth's assertions regarding its electronic interface UNE capabilities might be based on internal testing, but that is inadequate on its face to substitute for actual commercial usage, and in any event is factually unsupported. BellSouth's sole evidence on this subject consists of four virtually unreadable pages apparently showing a total of four orders for these loops, ports, and INP generated by LESOG. See Stacy OSS Aff., ¶ 67 & Exh. WNS-28. Previously, Mr. Stacy described these orders as "internal testing."[123] Stacy S.C. OSS Aff., ¶ 58. BellSouth has presented no other evidence of any UNE testing, or its results. See Stacy OSS Aff., ¶¶ 67, 118 & Exh. WNS-28. Indeed, BellSouth has acknowledged that it has performed no CLEC testing of its Exchange Access Control and Tracking ("EXACT") system, which is used to order "infrastructure elements, such as trunking" (Stacy OSS Aff., ¶ 58), rationalizing that EXACT has "been operational for IXCs."[124]

212. In any event, the issue is not whether BellSouth can produce one (or four)

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[122] Moreover, LENS does not even have a service field for UNEs. To order UNEs on LENS, a CLEC must use fields intended for resellers and type in the "remarks" portion of the order that the order is for UNEs. Because of the current design of BellSouth's systems, however, any order with such remarks will not electronically flow through to BellSouth's legacy systems.

[123] As discussed below, the "testing" described by BellSouth's witness Mr. Milner was not only purely internal testing, but did not even involve BellSouth's interfaces.

[124] See Attachment 26 hereto, BellSouth's Responses to AT&T's First Set of Interrogatories in Docket No. 960786-TL (Fla. PSC), Response to Item No. 10(c), (e); Stacy OSS Aff., ¶ 119.

LESOG-generated UNE internal test orders. It is whether CLECs can transmit orders for the full range of UNEs electronically to BellSouth, and whether BellSouth can receive these orders electronically and mechanically flow them on an end-to-end basis through its systems, such as LEO, LESOG, SOCS, and the legacy systems.[125] BellSouth does not claim to have met this standard.

2. Maintenance and Repair

213. As in the case of resale, Mr. Stacy states that CLECs purchasing UNEs will have access to two existing BellSouth interfaces for maintenance and repair: the Trouble Analysis Facilities Interface ("TAFI") that BellSouth uses to handle trouble reports for both business and residential basic local exchange services; and the T1M1 electronic bonding interface ("T1M1 EBI"), which interexchange carriers currently use to report troubles for access services. Stacy OSS Aff., ¶ 82. However, those interfaces encompass only some of the UNEs that CLECs may purchase from BellSouth.

214. TAFI is available only for UNEs that can be associated with a telephone number, such as ports. As Mr. Stacy has previously acknowledged, it cannot be used for such

[125] This Commission previously rejected the position that a BOC's OSS obligations extend only to the interface and held that the requirement of nondiscriminatory access applies to "all of the processes, including those existing legacy systems used by the incumbent LEC to provide access to OSS functions to competing carriers." Ameritech Michigan Order, ¶ 135 (emphasis added).

UNEs as unbundled loops.[126] The currently offered T1M1 EBI interface can be used for some -- but apparently not all -- network elements; Mr. Stacy states only that this interface can be used for "designed (circuit ID based) services, such as resold complex private line services, or interconnection trunking and designed UNEs." Id., ¶ 95. To the extent that a CLEC wishes to report a trouble for a UNE not served by these interfaces, it must do so by telephoning a BellSouth repair representative -- unlike BellSouth, which uses TAFI for its retail customers. Id., ¶ 86.

215. Furthermore, as in the case of the ordering interfaces, TAFI and the T1M1 EBI require a substantial degree of manual processing. Because of TAFI's inability to interconnect electronically with CLEC systems, any CLEC using TAFI is required to input the same data into both BellSouth's system and its own OSS. The currently-offered EBI interface does not have electronic flow-through capability for UNE orders, because BellSouth has not yet coded its systems to process those types of maintenance orders. Thus, any local order sent via the T1M1 EBI involving UNEs will "fall out" of the system at a BellSouth office for manual processing by a BellSouth representative. Furthermore, because of lack of flow-through capability, status reports on orders sent via the T1M1 EBI must be requested and received by telephone.

216. BellSouth intends to treat orders for combinations of unbundled network

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[126] See Testimony of William Stacy in Docket No. 97-101-C (South Carolina PSC), transcript of July 8, 1997, proceedings, pp. 55-58 (Attachment 40 hereto).

elements as designed services or special services.[127] This has tremendous practical implications for both the CLEC and its customers. For example, maintenance and repair trouble reports on designed services will be handled manually or through the BellSouth Work Force Administration - Control (WFA-C), not the TAFI interface that BellSouth uses for its residential and business POTS customers. Consequently, CLEC customers served through UNE combinations will not receive the benefit of rapid trouble report clearance through the Mechanized Loop Testing (MLT) system, which today allows BellSouth to resolve 85% of all trouble reports on non-designed services from its own retail customers while the customer is still on the line. See Stacy OSS Aff., Exh. WNS-52, pp. 59-60, 65-66.

217. BellSouth cannot reasonably contend that its repair and maintenance interfaces provide parity of access. BellSouth can submit orders and obtain status electronically for all of its maintenance needs. The current interfaces not only fail to support all UNEs, but require substantial manual processing. Such deficiencies mean that repairs and maintenance will be provided to CLEC customers in a less timely and accurate manner than to BellSouth's own

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[127] In an October 20, 1997, report to the Department of Justice, BellSouth admitted:

> Many of the UNEs and UNE-combinations will, indeed, be handled by BellSouth as designed services. In some cases, this will always be true due to the nature or complexity of the circuits or services involved. In certain cases, however, UNEs and UNE-combinations must currently be handled as designed services due to OS [operations support] design constraints in BellSouth legacy support systems.

Stacy OSS Aff., Exh. WNS-53, pp. 52-53.

customers, and thus deny CLECs a meaningful opportunity to compete.

3. Billing

218. BellSouth does not provide UNE purchasers with nondiscriminatory access to billing and billing information. It is my understanding that BellSouth does not yet have the capability to record usage data or generate mechanized bills for many UNEs. Mr. Hollett appears to concede this deficiency when he states that daily usage information is available for "some" (i.e., not all) UNEs. Hollett Aff., ¶ 11. As Mr. Tamplin describes in his affidavit, although BellSouth's witness Mr. Milner asserts that BellSouth now has the capability of mechanically producing a bill for local originating minutes of use for switching (see Milner Aff., ¶¶ 57-60), the bill that BellSouth provided to AT&T was so inadequate that AT&T could not determine its accuracy or reliability.

219. Moreover, as Mr. Stacy concedes, the usage information that BellSouth transmits to CLECs "does not currently contain the usage data which would allow a CLEC to bill an interexchange carrier for the provision of access." Stacy OSS Aff., ¶ 106. While Mr. Stacy claims that "BellSouth is developing the capability to include this information," he provides no details. Id. Nor, as far as I am aware, did BellSouth ever offer to provide these records in "paper form," as Mr. Stacy suggests. In view of BellSouth's ability to provide record usage data and billing for itself in its retail operations, its failure to do so in the context of UNEs is a denial of the parity required by the 1996 Act.

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220. In summary, the numerous deficiencies in the interfaces supporting UNEs not only deny parity of access, but also contravene the Commission's requirement that the OSS functionalities provided by a CLEC "must support each of the three modes of entry and must not favor one strategy over another." Ameritech Michigan Order, ¶ 133. Here, as in the Ameritech case (see id., ¶ 215), the interfaces offered by the BOC to support UNEs are even farther behind in providing parity of access than the interfaces supporting resale. For these reasons, the BellSouth interfaces do not provide the support for UNEs required by the competitive checklist.

IV. ACTUAL USAGE OF BELLSOUTH'S INTERFACES TO DATE CONFIRMS THAT THEY ARE NOT OPERATIONALLY READY TO PROVIDE NONDISCRIMINATORY ACCESS.

221. Both in its dealings with BellSouth and through discovery in Section 271 proceedings before state commissions, AT&T has requested BellSouth to provide performance data on its interfaces, including data showing the number and percentage of orders processed manually by BellSouth as compared to the performance of its own retail operations. BellSouth, however, has largely declined to produce such data, even through the testimony of its witnesses in this proceeding. Nonetheless, the data that BellSouth has produced, together with AT&T's own experience, show that the interfaces are not operationally ready to provide nondiscriminatory access. BellSouth's lack of readiness is further reflected by its failure to perform adequate testing of its interfaces. BellSouth's own third-party consultant has found serious deficiencies in BellSouth's order processing system that preclude BellSouth from providing parity of access.

A. Pre-Ordering

222. As discussed in Part II, supra, Bell South has made regular and repeated changes in LENS throughout 1997, and has failed to provide new entrants with complete technical specifications. This instability, by itself, has precluded LENS from becoming operationally ready.

223. The instability in LENS is further reflected in AT&T's own experience with LENS. During LENS demonstrations for AT&T and the industry conducted by BellSouth on May 5 and May 13, 1997, BellSouth's employees referred to and commented on at least 28 corrections and enhancements to LENS (which is not a complete list of LENS deficiencies), which they characterized as being either required to fix known problems, improve operations and usefulness, or planned to provide parity with existing BellSouth OSS.[128] Many of these "corrections and enhancements" remain incomplete.

224. Moreover, although BellSouth has claimed that LENS first became available on April 28, 1997, it took AT&T almost seven weeks of dealings with BellSouth after that time (until June 17, 1997) even to obtain dial-up access to LENS. Full Local Area Network to Local Area Network connectivity to LENS, which AT&T needs to support its local exchange

[128] Attachment 41 hereto describes the current status of the LENS "corrections and enhancements" described last May by BellSouth personnel.

operations, was unavailable until July 15, 1997.[129] These experiences, at a minimum, cast doubt of the operational readiness of LENS and on the adequacy of BellSouth's alleged internal testing.

B. Ordering and Provisioning

225. BellSouth's own data regarding the performance of its ordering and provisioning interfaces shows that their performance is seriously deficient. Data that BellSouth has produced to AT&T and in this proceeding show that those interfaces fail to provide parity of access in the timeliness of FOCs and rejection notices, and in the degree to which CLEC orders flow through BellSouth's systems.[130] AT&T's data regarding installation intervals and due dates met further demonstrate that BellSouth's provisioning is highly unsatisfactory.

226. **Timeliness of Firm Order Confirmations.** BellSouth's performance in returning FOCs has been both inadequate and unstable. BellSouth, through data submitted to AT&T, has conceded that it fails to return significant numbers of FOCs even within the 24-hour interval to which BellSouth has committed itself. See Interconnection Agreement, § 28.5.3.

227. In the first report that it submitted to AT&T pursuant to Attachment 12 of the Interconnection Agreement, BellSouth conceded that, during the month of August 1997, 38 percent of FOCs were returned more than 24 hours after receipt, and only 43 percent were

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[129] The third method of access to LENS, Internet access using web browsers, is simply too slow for a CLEC with large volumes of transactions, such as AT&T. See Stacy OSS Aff., ¶ 10.

[130] Mr. Pfau demonstrates in his affidavit that the data in Mr. Stacy's affidavit on performance measurements either is unreliable or shows that BellSouth's performance is inadequate.

returned within four hours. During September 1997, BellSouth's performance worsened. It returned 44 percent of FOCs more than 24 hours after receipt, and returned only 39 percent within four hours.[131]

228. BellSouth's data also shows that its performance in returning FOCs is inconsistent and unpredictable. During August 1997, the percentages often fluctuated substantially from day to day, ranging from 18 percent to 84 percent. On some days (such as August 13 and August 18) the percentage of FOCs processed within 24 hours changed as much as 39 percent from the previous day, even though the daily volumes of orders were essentially the same.[132] This trend continued in September, with BellSouth's FOC percentages fluctuating as much as 40 percent or more from one day to the next (September 15-16 and September 19-20).[133] Moreover, the BellSouth data shows no correlation between the percentage of FOCs returned on a particular day and the volume of orders. On several days when BellSouth had extremely low order volumes, its FOC performance was very poor.[134]

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[131] See "AT&T Measurements -- Attachment 12, Section 2 -- Firm Order Confirmation -- Item 2.4 -- August Data," provided September 15, 1997, p. 36; id., Item 2.4, September Data, provided October 15, 1997 (Attachment 42 hereto).

[132] See "AT&T Measurements -- Attachment 12 -- August Data," supra, Item 2.4, p. 36 (Attachment 42 hereto).

[133] Id., Item 2.4, September Data (Attachment 42 hereto).

[134] For example, on September 7 and 18, BellSouth received less than 50 LSRs each day, but returned only 32 percent (September 7) and 31 percent (September 18) of FOCs within 24 hours. See Attachment 42. Similarly, although the number of orders on August 22 was more than ten

229. BellSouth's lack of timeliness in returning FOCs cannot be at parity with those of its retail operations. Although BellSouth has produced no data on its own operations, it cannot take BellSouth's retail system more than a few seconds to receive the equivalent of an FOC.[135] Furthermore, as Mr. Pfau demonstrates in his affidavit, BellSouth's performance should be 100 percent -- not the 56 percent it reported in September -- since its 24-hour return period is so lengthy and its analysis excludes orders that are processed manually.

230. BellSouth's deficient, erratic performance in returning FOCs is a clear denial of parity and a substantial impediment to competition. Because AT&T cannot obtain a calculated due date in the pre-ordering process (as a result of its use of the EDI interface for ordering), BellSouth's performance means that in a substantial percentage of cases AT&T is unable to determine the exact date of installation for more than 24 hours, much less be able to advise its customers of that date.

231. **Timeliness of Rejection Notices.** Prompt notification of rejections of orders is clearly important to a CLEC, in order to be able to make the necessary corrections and

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times that of the previous day (169 versus 16), the percentage of FOCs returned within 24 hours on August 22 increased to 84 percent, as compared to 69 percent for August 21. On August 25, the number of orders was 240, a decrease of more than 50 percent from the previous day; yet the percentage of FOCs sent within 24 hours decreased to 43 percent, from 52 percent on the previous day. Id.

[135] The Commission has indicated that this period of time would be the time that elapses between when a BellSouth order is placed in its legacy systems and when the order is recognized as a valid order by the legacy systems. Ameritech Michigan Order, ¶ 187 n.479. In the automated systems which BellSouth uses in its retail operations, that period is likely to be exceedingly brief.

avoid further delay. As the Commission has indicated, such notice should be "relatively instantaneous," like the notice provided to BellSouth's service representatives. Ameritech Michigan Order, ¶ 188. In fact, the Interconnection Agreement obligates BellSouth to use its best efforts to notify AT&T of errors within one hour of receipt. Interconnection Agreement, § 28.6.4.1.

232. However, both the August and September data that BellSouth submitted to AT&T under the Interconnection Agreement show that BellSouth sent only six percent of the notices of reject or error status to AT&T within one hour of receipt.[136] In fact, a high percentage of rejection notices for AT&T orders are not returned by BellSouth for several days after receipt. This is clearly unacceptable, since the on-line edits in BellSouth's own systems instantaneously advise BellSouth representatives of any errors and prevent them from releasing orders until the errors have been corrected.

233. **Percent Flow-Through.** BellSouth's own data demonstrates that most of the orders submitted by CLECs are manually processed by BellSouth personnel. Notwithstanding Mr. Stacy's unsupported assertions that BellSouth acquired certain electronic capabilities as of October 6, 1997 (Stacy OSS Aff., ¶ 67), BellSouth has not proved through CLEC testing or use that its OSS are capable of electronically receiving and processing UNE orders.

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[136] See "AT&T Measurements -- Attachment 12, Section 2 -- Error or Reject Status -- Item 2.5, August Data," provided September 15, 1997, p. 37; id., September Data, provided October 15, 1997 (Attachment 42 hereto).

234. BellSouth's data also demonstrates that a majority of CLEC resale orders fail to flow through BellSouth's systems. The total flow-through rates presented by Mr. Stacy are only 25 percent for July, 34 percent for August, and 39 percent for September. Stacy Aff., ¶¶ 112-113 & Exh. WNS-41. Mr. Stacy's attempts to excuse these low rates by citing purported "CLEC caused errors" is baseless. Id. Mr. Stacy makes no attempt to identify the "CLEC caused errors" that he describes. Nor does he provide, much less describe, the "BST analysis" or "SOER error analysis" on which he purportedly relies. Id. And, not surprisingly, he offers no basis for his conclusion that if the "CLEC errors" were eliminated, the projected flow-through results would be 57 percent for July, 91 percent for August, and 89 percent in September. Id., ¶ 113.

235. In addition to being unsupported, BellSouth's unilateral decision to label certain orders as "CLEC caused errors" also appears to be completely arbitrary. For example, as Mr. Pfau notes, the same September data that Mr. Stacy now claims shows an 89 percent adjusted flow-through rate was filed by BellSouth with the Georgia Public Service Commission on October 22, 1997 -- but in the Georgia filing, BellSouth claimed that the adjusted flow-through rate was 67 percent. Mr. Stacy offers no explanation as to how the same data could result in such dramatically different adjusted flow-through rates.

236. Indeed, what Mr. Stacy baldly characterizes as "CLEC caused errors" may well be the fault of BellSouth itself. Mr. Stacy himself acknowledges that 50 percent of the total errors in July, 13 percent of the total errors in August, and 18 percent of the total errors in September were caused by BellSouth. Id., ¶ 112. AT&T's own experience has shown that a